

Chapter 9.44

FIREWORKS

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9.44.010 Fireworks Regulation; Definitions.

For the purpose of this chapter the following words shall have the following meanings:

Fireworks shall mean any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.

Permissible fireworks shall mean only sparklers, vesuvius fountains, spray fountains, torches, color firecones, star and comet-type color aerial shells without explosive charge for the purpose of making a noise, and color wheels.

Retailer shall mean any person engaged in the business of making sales or fireworks at retail.

Sale shall include barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee. (Ord. 15627 §1; July 9, 1990: P.C. §9.29.010: Ord. 13188 §1; August 10, 1981: Ord. 10535 §1; August 14, 1972).

9.44.020 Fireworks; Violations; Penalties.

Any person who shall violate any of the provisions of Sections 9.44.010 to 9.44.100 shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than \$25.00 nor more than \$500.00. (Ord. 15627 §2; July 9, 1990: P.C. §9.29.020: Ord. 13188 §2; August 10, 1981: Ord. 10535 §2; August 14, 1972).

9.44.030 Fireworks; Unlawful Acts; Enumerated.

Except as provided in Sections 9.44.080 and 9.44.090, it shall be unlawful for any person to possess, sell, offer for sale, bring into the city, or discharge, explode or use any pyrotechnics, commonly known as fireworks, other than permissible fireworks, except that this section shall not be construed to prohibit the transport of fireworks through the city. It shall be unlawful for any retailer to sell fireworks to any person under the age of eighteen years, and no person under the age of eighteen shall discharge, explode, or use any fireworks except under the supervision of a person eighteen years of age or older. (Ord. 18608 §1; August 29, 2005: prior Ord. 15627 §3; July 9, 1990: P.C. §9.29.030: Ord. 13188 §3; August 10, 1981: Ord. 10535 §3; August 14, 1972).

9.44.040 Permissible Fireworks; Retail Sale; License Required; Fee.

(a) It shall be unlawful for any person to sell, hold for sale, or offer for sale at retail, any permissible fireworks in the city unless such person has first obtained a license from the city as a retailer.

(b) Any person desiring to sell or offer for sale any permissible fireworks as a retailer shall make application to the Chief of the Bureau of Fire Prevention for a license authorizing the same. Application for license as a retailer shall be filed with the Chief of the Bureau of Fire Prevention on or before June 23. Applications postmarked or received after June 23 will be assessed a \$25.00 late fee. Such application shall include the following information and such additional information as the Chief shall deem necessary.

- (1) The name and residence address of the applicant;
- (2) The location of the premises for which the license is sought;
- (3) When the license is sought in a permanent building, the application shall provide an accurate drawing or plat showing the location of the sales display within the building, together with aisles, exits, etc.

- (4) When the license is sought in a temporary structure or facility, the applicant shall provide a legal description of the premises, a description of the structure or facility to be used, and the location of such structure or facility upon the premises.

After consideration of the information contained in the application for a license, the Chief of the Bureau of Fire Prevention may issue a certificate entitling the applicant to a license, conditioned upon reasonable safety measures to be specified in the certificate and upon payment by the applicant of a fee of \$75.00. An inspection of the premises shall be conducted by the Bureau of Fire Prevention to confirm that the permittee has complied with the conditions of the certificate and, if the safety measures are in place, the license shall be issued. Any license issued under the provisions of this section shall be valid only for the period of June 28 through and including July 4 of the year in which issued. (Ord. 17828 §1; April 16, 2001: prior Ord. 15774 §1; November 13, 1990: Ord. 15627 §4; July 9, 1990: P.C. §9.29.040: Ord. 10535 §4; August 14, 1972).

9.44.050 Fireworks Regulation; Fees Received; Deposit in General Fund.

The funds received under the provisions of Section 9.44.040 shall be deposited in the General Fund of the city. (Ord. 15627 §5; July 9, 1990: P.C. §9.29.050: Ord. 10535 §6; August 14, 1972).

9.44.060 Permissible Fireworks; Submission of Samples to Determine Safety; Duties of State Fire Marshall.

Before any permissible fireworks may be sold, held for sale, or offered for sale at retail in the city, they shall first be submitted to the State Fire Marshall for examination as provided in Section 28-1003.11 R.R.S. 1943, to determine their compliance with state law and their safety for general use. (Ord. 15627 §6; July 9, 1990: P.C. §9.29.060: Ord. 13188 §4; August 10, 1981: Ord. 10535 §6; August 14, 1972).

9.44.070 Fireworks; Sale and Use of Bottle Rockets, Skyrockets and Like Devices Prohibited; Unlawful Acts.

Fireworks commonly known as skyrockets, bottle rockets, or any other form of fireworks consisting of a case containing a combustible composition fastened to a guiding stick which is designed and manufactured to be projected through the air by the reaction resulting from the rearward discharge of gases liberated by combustion and fireworks commonly known as helicopters or any other form of fireworks which launch in their entirety and leave no base shall not be permissible fireworks within the City of Lincoln, notwithstanding any action by the State Fire Marshall to the contrary, and it shall be unlawful for any person to sell at retail, offer for sale at retail, discharge, explode, or use any of said fireworks within the city. (Ord. 15627 §7; July 9, 1990: P.C. §9.29.065: Ord. 13188 §5; August 10, 1981: Ord. 10535 §7; August 14, 1972).

9.44.080 Permissible Fireworks; Sale and Use Only on July 3 and July 4; Hours of Use Restricted.

(a) It shall be unlawful for any person to sell at retail or offer to sell at retail any permissible fireworks within the City of Lincoln except from 8:00 a.m. to 11:00 p.m. on July 3 and from 8:00 a.m. to 11:59 p.m. on July 4 of each year.

(b) It shall be unlawful for any person to discharge, explode, or use any permissible fireworks within the City of Lincoln except from 8:00 a.m. to 11:00 p.m. on July 3 and from 8:00 a.m. to 11:59 p.m. on July 4 of each year. (Ord. 18608 §2; August 29, 2005: prior Ord. 17516 § 1; June 14, 1999: Ord. 15627 §8; July 9, 1990: P.C. §9.29.070: Ord. 13171 §1; July 13, 1981: Ord. 10535 §8; August 14, 1972).

9.44.090 Fireworks; When Prohibition Not Applicable.

The provisions of Section 9.44.030 shall not apply to:

(a) Any fireworks for purpose of public exhibitions or displays purchased from a distributor licensed under the state law or the holder of a display license issued by the State Fire Marshall as provided by state law;

(b) Any public exhibition or display under the auspices of any governmental subdivision of this state; and

(c) Toy cap pistols or toy caps, each of which does not contain more than twenty-five hundredths of a gram of explosive material. (Ord. 15627 §9; July 9, 1990: P.C. §9.29.080: Ord. 10535 §9; August 14, 1972).

9.44.100 Fireworks; Unlawful Discharging, Firing, Launching, or Throwing Prohibited.

It shall be unlawful for any person to discharge, fire, launch, or throw any fireworks or any object which explodes upon contact with another object:

- (a) from or into any motor vehicle;
- (b) onto any street, highway, or sidewalk;
- (c) at or near any person;
- (d) into or upon any building;
- (e) into or at any group of persons; or
- (f) into or upon the premises of another person.

For the purposes of this section, person shall mean any natural person or any private or public firm, partnership, or corporation. It shall further be unlawful for any person to discharge, fire, launch, or throw any fireworks from, to or on any property without the express permission of the owner of said property. (Ord. 15627 §10; July 9, 1990: P.C. §9.29.090: Ord. 13188 §6; August 10, 1981: Ord. 10535 §10; August 14, 1972).